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The Court finds that a conference is unnecessary. Defense counsel shall provide to Plaintiff a date certain for which William Koepfel is available for a deposition before **January 17, 2025**. Defense counsel shall file a letter with the Court by **December 23, 2024** informing the Court of the date of Mr. Koepfel's deposition. Failure to comply with this Order may result in sanctions. In addition, the briefing schedule for the motion for summary judgment is extended by 30 days.

SO ORDERED:

Katharine H. Parker 12/16/2024
HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

December 5, 2024

By: ECF

The Honorable Magistrate Judge Katharine H. Parker
United States Magistrate Judge
District Court for the Southern District of New York
United States Courthouse
500 Pearl Street, Room 750
New York, New York 10007

Re: Building Service 32BJ Pension Fund
v.
Whitehouse Estates Inc.
23-CV-7286 (ALC)(KHP)

Dear Magistrate Judge Parker,

The undersigned is counsel to the plaintiff, Building Service 32BJ Pension ("Fund"). The following letter is submitted pursuant to Sections 1.b and 2.c of Your Honor's Individual Rules of Practice for a pre-motion conference in connection with the Defendant William Koepfel's refusal to make himself available for a deposition.

Since filing the most recent status letter (Docket Entry No. 64), and Your Honor's briefing schedule for summary judgment motions (Docket Entry No. 65), I have been trying to arrange for a time and date for taking Mr. Koepfel's deposition. I have reached out by email to Defendants' counsel on the following dates: November 6, 19, and 21 and most recently on December 2, 2024. In my December 2, email I requested a "meet and confer" as per Your Honor's rules prior to making this application. I have not received a response.

The Fund respectfully requests that a pre-motion conference be scheduled to address the failure to cooperate in scheduling the deposition, and that the schedule for filing dispositive motions be held in abeyance pending completion of the deposition.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ira A. Sturm', with a stylized, sweeping flourish at the end.

Ira A. Sturm

Cc: Christopher John Alvarado, I (By: ECF)